

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS**

<b>In re: New England Compounding Pharmacy, Inc.</b>	)	
	)	
	)	<b>Civil Action No.: MDL 1:13-md-02419</b>
	)	<b>(RWZ)</b>
<b>All Cases Involving Specialty Surgery Center</b>	)	
	)	

**JOINT MOTION FOR ENTRY OF STIPULATED QUALIFIED PROTECTIVE ORDER  
REGARDING PLAINTIFFS' STEERING COMMITTEE'S SUBPOENA TO  
CUMBERLAND MEDICAL CENTER, INC.**

On January 29, 2016, the Plaintiffs' Steering Committee (the "PSC") served a subpoena to Cumberland Medical Center, Inc. ("Cumberland") under Rule 45 (D.E.) (the "Subpoena"), seeking access to information contained on certain hard drives in Cumberland's possession. To protect information subject to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. 1-4-191, as well as to protect against the disclosure of Cumberland's proprietary, confidential, or privileged information, the PSC and Cumberland jointly move for the entry of the attached Stipulated Qualified Protective Order.

Among other things, the PSC's Subpoena requested that Cumberland make available to the PSC for forensic inspection and analysis all electronic repositories that Cumberland received from Specialty Surgery Center, PLLC ("SSC") arising from Cumberland's acquisition of SSC's assets in June 2013 (the "Asset Purchase"). Cumberland has identified eight hard-drives, seven (7) hard-drives (the "Hard-Drives") of which the PSC intends to examine. Those computers likely contain information protected by HIPAA, and they may also contain information over which Cumberland may assert a claim of privilege, confidentiality, or proprietary information. Cumberland will not make the responsive computers and their contents available to the PSC's

vendor without the entry of Qualified Protective Order protecting this information from unauthorized disclosure.

Following an extensive good faith meet and confer process, the PSC and Cumberland have agreed to a set of protocols for the production, imaging, and review of the content on the seven hard drives, as well as the terms of a proposed stipulated Qualified Protective Order. The parties therefore jointly move for the Court to enter the attached proposed Qualified Protective Order.

Date: May 3, 2016

By: /s/ Benjamin A. Gastel

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By: /s/ **Rachel P. Hurt**

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**CERTIFICATE OF SERVICE**

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing document to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: May 3, 2016

/s/ Benjamin A. Gastel  
Benjamin A. Gastel